

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

AT BECKLEY

MICHAEL D. ROSE,
and EDWARD L. HARMON,
*on their own behalf and on behalf
of all others similarly situated,*

Plaintiffs,

v.

CIVIL ACTION NO. 5:22-cv-00405

MICHAEL FRANCIS and
LARRY WARDEN, both
*individually and as employees of
the West Virginia Division of Corrections
and Rehabilitation,*
THE RALEIGH COUNTY COMMISSION,
John/Jane Doe Employees of the Raleigh
County Commission,
THE FAYETTE COUNTY COMMISSION,
John/Jane Doe Employees of the Fayette
County Commission,
THE GREENBRIER COUNTY COMMISSION,
John/Jane Doe Employees of the Greenbrier
County Commission,
THE MERCER COUNTY COMMISSION,
John/Jane Doe Employees of the Mercer
County Commission,
THE MONROE COUNTY COMMISSION,
John/Jane Doe Employees of the Monroe
County Commission,
THE SUMMERS COUNTY COMMISSION,
John/Jane Doe Employees of the Summers
County Commission,
THE WYOMING COUNTY COMMISSION,
John/Jane Doe Employees of the Wyoming
County Commission,
PRIMECARE MEDICAL OF WEST VIRGINIA, INC.,
John/Jane Doe PrimeCare Employees,
JOHN/JANE DOE CORRECTIONAL OFFICERS,
BETSY JIVIDEN, *individually as an employee of the
West Virginia Division of Corrections and Rehabilitation,*

WEXFORD HEALTH SOURCES, INC.
John/Jane Doe Wexford Employees,
BRAD DOUGLAS, *individually and in his official
capacity as the acting Commissioner of the West
Virginia Division of Corrections and Rehabilitation*,
JEFF S. SANDY, *individually and in his official
capacity as the Cabinet Secretary of the West
Virginia Division Department of Homeland Security*,

Defendants.

ORDER AND NOTICE

Pursuant to *Local Rule of Civil Procedure* 16.1, it is **ORDERED** that the following
dates are hereby fixed as the time by or on which certain events must occur:

- 02/24/2023** Motion Under FR Civ P 12(b), together with supporting briefs, memoranda, affidavits, or other such matter in support thereof. (All motions unsupported by memoranda will be denied without prejudice pursuant to LR Civ P 7.1(a).)
- 03/20/2023** Last day for Rule 26(f) meeting.
- 03/27/2023** Last day to file Report of Parties Planning Meeting and Scheduling Order Worksheet, available on the Court's website. See LR Civ P 16.1.
- 04/17/2023** Telephonic Scheduling Conference at **4:00 p.m.**, before the undersigned, unless canceled. Please use call-in information: 304-461-4955; access code 125 502 175#.
- 04/20/2023** Entry of Scheduling Order.
- 04/24/2023** Last day to serve FR Civ P 26(a)(1) disclosures


NOTICE

The provision of *Federal Rules of Civil Procedure* 14 and 15 with respect to the time in which to file third-party claims and to amend pleadings without leave of court are not affected by this Order and Notice.

Pursuant to *Local Rules of Civil Procedure* 16.1 and 73.1, the parties are informed of their opportunity to consent to the exercise by a magistrate judge of civil jurisdiction over the case, including entry of judgment, as authorized by 28 U.S.C. § 636. The parties may consent by filing a Consent to Jurisdiction by a United States Magistrate Judge (*Local Rule of Civil Procedure* 73.1, Form 34), or by so indicating on the Report of Parties Planning Meeting and Scheduling Order Worksheet, all of which are available on the Court's website.

ENTERED: January 25, 2023




Frank W. Volk
United States District Judge